

CITY OF MILPITAS

Workplace Violence Prevention Policy

I. PURPOSE

The City of Milpitas recognizes the importance of providing a safe work environment and place to conduct City business for our residents and visitors. For these reasons this policy has been adopted to establish guidelines for the education and training of employees as well as procedures to be followed in the event of a workplace violence incident. The guidelines in this policy are in conformance with CAL-OSHA Guidelines, accepted law enforcement practice and the City's disciplinary policies.

II. SCOPE

This policy applies to all City of Milpitas employees. Workplace safety and security is every employee's responsibility and it is essential that all employees understand and abide by this policy. Employees should be aware of, and know how to react in the event of any of the three types of workplace violence defined by The California Occupational Safety and Health Administration (CAL-OSHA).

- Type 1 – A violent act by an assailant with no legitimate relationship to the workplace who enters the workplace to commit a robbery or other criminal activity.
- Type 2 – A violent act or threat of violence by a recipient of a service provided by the City of Milpitas, such as a customer.
- Type 3 – A violent act or threat of violence by a current or former worker, supervisor or manager, or another person who has a personal relationship with a City of Milpitas employee or contract employee, such as an abused spouse, domestic partner, etc.

III. DEFINITIONS for the purpose of this policy are:

A. A violent act is an aggressive physical behavior or force exerted for the apparent purpose of violating, damaging or abusing another or damaging property. Violent acts may include, but are not limited to the following:

- Striking, punching, slapping or assaulting another person;
- Fighting or challenging another person to fight;
- Grabbing, pinching or touching another person in an unwanted way whether sexually or otherwise; (see City of Milpitas Anti-Discrimination Policy for additional information)
- Engaging in dangerous, threatening or unwanted horseplay;
- Threatening harm or harming another person, or any action or conduct that implies bodily harm;
- Encouraging or inciting an employee to engage in prohibited activities;
- Possession use or threat of use of a gun, knife or weapon of any kind on City property, including but not limited to buildings, parking lots, parks and other exterior premises, City vehicles, or while engaged in activities for the City at locations outside the City, unless such possession or use is a requirement of the job;
- Stalking or any other type of harassment;
- Causing damage to property.

B. A threat of a violent act is a verbal expression or physical action that conveys intent to commit a violent act.

IV. VIOLENCE - FREE WORKPLACE POLICY

The City of Milpitas is committed to maintaining a safe and secure workplace free from acts of violence or threats of violence. To keep this commitment the City forbids actual or threatened violence against co-workers, visitors, customers or other persons who are either on City premises or have contact with employees in the course of their duties.

Violence or the threat of violence against or by any employee of the City or any other person is not acceptable and will not be tolerated. Should a non-employee demonstrate or threaten violent behavior, he/she will be removed from the site and may be subject to criminal prosecution. Should an employee, during working hours, on City property or during City functions demonstrate or threaten violent behavior he/she may be subject to criminal prosecution and disciplinary action up to and including termination.

V. HAZARD IDENTIFICATION and RESPONSE

Threats of or actual violent acts may happen or be witnessed by employees, residents, or visitors in and around City facilities at any time. The City of Milpitas relies on the following activities to identify potential threats and exposures. These include:

- A. Reliance on employees to advise supervisors of concerns regarding safety and security. This can be accomplished using procedures contained in the City's Injury, Illness and Prevention Program (IIPP).
- B. Periodic physical inspections of City buildings and facilities to identify conditions which may contribute to criminal activity such as low lighting, functional alarms, cash handling procedures, evidence of vandalism such as graffiti, functional locks, etc.
- C. Review and trending of incident reports of hostile or threatening behaviors witnessed in and around City facilities by department managers and/or Human Resources.
- D. Official complaints to law enforcement of threats which may directly impact the safety of employees or others.
- E. An initial employee survey to assess employee perception of job duties, environmental, or activities which they feel could increase the risk of violence in the workplace. The survey may be used or updated at anytime to revise targeted prevention activity.
- F. Prior to staffing of new facilities or change in use of existing facilities, a safety assessment will be conducted by Facilities to identify safety or security issues for correction and employee awareness training consistent with the IIPP.

VI. HAZARD MITIGATION AND MANAGEMENT

A. Unauthorized Weapons

No person unless a sworn law enforcement officer or other authorized person shall possess weapons as defined and cited in California Penal Code § 171b at a City workplace or on City property and private vehicles, including public parking lots.

These may include but are not limited to the following:

- Firearms
- Explosives/ammunition
- Knives with blades over four inches long
- Stun guns
- BB guns

B. Access Control

Access control to “employee only” areas of each facility is limited to authorized personnel only. Facilities which limit building access to designated entrances or maintain “employee only” areas must adhere to City policy for maintaining security of alternate entries and access points. This includes the activation of locks, surveillance, intrusion alarms, or other security hardware and procedures. The identity of all visitors to “employee only” areas, including contractors and vendors doing business with the City, should be verified by City staff to assure authorization for access.

C. Employee Training

All employees shall receive periodic training in workplace security and violence prevention awareness.

Training shall include the following:

- Review and explanation of the Workplace Violence Prevention Policy;
- Recognition of workplace security hazards including indicators of violent behavior;
- Procedures for reporting workplace hazards and/or violent behavior;
- Methods to prevent or diffuse workplace violence;
- Procedures and use of alarms to summon emergency assistance;
- Evacuation procedures, should evacuation become necessary;
- Procedures to request escort to vehicles or other sites if employee considers it unsafe to proceed alone.

D. Threat and Hazard Identification and Notification

- All employees are instructed to be aware of and evaluate potential safety and security concerns or hazards in their work environment. Employees should report concerns along with any recommendations for mitigation to their supervisor or Human Resources immediately. Potential for exposure to violent situations should be evaluated by supervisors for any unusual work assignment in a location not typical to daily operations. This could include any off site events, temporary accommodation, business travel, etc.
- Any recommendation for the improved safety and security in and around City facilities will be evaluated by Police, Human Resources, and/or the Safety and Risk Management Committee.

- Information regarding potential threats will be shared balancing safety and privacy issues. Human Resources, the City Attorney, and Risk Manager, with final authorization by the City Manager, will authorize the scope and method of information dissemination.
- Results of site inspections which contain security items will be shared, as needed, by postings in employee areas or email notification.

E. Responding to Actual or Potential Violence

1. All threats of violence must be taken seriously. It is the responsibility of each employee to notify a supervisor of any violent act or a threat of a violent act against themselves or any other persons or property. Employees shall inform a supervisor of these acts immediately or as soon as practical.
2. If a person recognized to have been a prior security concern enters a City facility, employees who observe, based on previous events or training, behavior which could result in a threat or criminal action should immediately convey this information to their immediate or acting supervisor. The supervisor shall evaluate the situation and take appropriate action including alerting the Milpitas Police Department at 9-911 or 263-1212. In the absence or inability of a supervisor to respond, any employee may alert the Milpitas Police Department.
3. In cases where there is an **immediate threat** to employee safety or the safety of the public, employees should call 9-911 from a desk phone for immediate emergency assistance and remove themselves and others, if possible, from the area. Employees may be advised that they can pre-program 263-1212 into personal or City cell phones to provide quick access to emergency response.
4. If phones cannot be used safely, activation of an available silent alarm may be necessary. If possible, when the police arrive, a knowledgeable employee from the building should meet the officer outside the building and explain the current situation.
5. Once the immediate danger has passed and freedom of movement is restored, those evacuating the building must convene at their designated assembly location as cited in the individual City of Milpitas Evacuation Plan so that their safety may be confirmed and Police can gather information about the incident. Police will obtain the contact information of non-employee witnesses.
6. For incidents of threats of acts of physical violence initiated by a City employee that may result in disciplinary action, the Department Director or on-duty supervisor shall report the incident to the Milpitas Police Department. The Department Director or on-duty supervisor shall complete an Incident Report Form [see Appendix A] and forward the document to Human Resources. The Human Resources Department will ensure that appropriate investigation procedures are followed [see Appendix B].
7. If an employee has an active restraining order which prohibits contact from another individual, the employee should provide a copy of the order to the Milpitas Police Department and is encouraged to advise his/her immediate supervisor. Human Resources will maintain a copy of the order on file. Any reported violation of the restraining order will be investigated as a criminal matter.

CITY OF MILPITAS
INCIDENT REPORT FORM

Please complete this form (using blue or black ink) within 24 hours of an incident, and submit to Risk Manager in the Finance Department. Please state the facts to the best of your ability and not your opinions.

Date of incident: _____

Exact Location of Incident: _____

Time of incident: _____ ☐ A.M. ☐ P.M.

Name of Person Injured/ Involved: _____ Gender: ☐ Male ☐ Female

If Minor, Name of Parent/ Guardian: _____

Address: _____

Phone Number(s): _____

Was the person Injured: ☐ Yes ☐ No Describe Injury/ Illness: _____

Describe and provide details of incident: *(Please attach separate sheet as needed)*

What were the Condition / Environment of the area of the Incident: (i.e. Lighting, Surface/Floor)

Actions Needed/Taken by Whom? _____

If person was injured, were they treated, and if so, where? _____

Was local emergency contact alerted? ☐ Yes ☐ No ☐ Police ☐ Fire ☐ Paramedic

Other Individuals Involved: *(ex: other Employees, Witnesses)*

Name	Address	Phone Number

Name of Person Completing Report: _____

Title: _____ Local Phone: _____

Signature: _____ Date Report Completed: _____

Supervisor/Manager Signature: _____ Date: _____

Appendix B: Investigation Procedures

1. Supervisors and employees shall fully cooperate in any administrative or criminal investigation into a violent act or a threat of a violent act occurring in the workplace.
2. Department Managers and Supervisors are responsible for investigation of internal incidents involving City employees. The investigation report must include detailed and concrete facts about the incident including a proposed action plan to prevent re-occurrence. The investigation should be documented using the City's injury/incident investigation reports as required by the City's Injury and Illness Prevention Program. Due to the potential for criminal investigation, the Milpitas Police will complete an investigation report in addition or in lieu of supervisor's report.
3. Retaliation or the threat of retaliation against a person who reports violence or the threat of violence will not be tolerated. If an employee feels there has been retaliation or the threat of retaliation for reporting violence, the employee is directed to report this retaliation to the Milpitas Human Resources Department. This shall also be reported to the Milpitas Police Department within 24 hours for a possible criminal investigation if deemed appropriate by the Police Department.
4. The Milpitas Risk Management and Safety Committee shall review incident reports and determine if changes to policy, training, communication and security procedures are needed to prevent reoccurrence or improve the current procedures.